

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CONGREGATION RABBINICAL COLLEGE OF
TARTIKOV, INC., RABBI MORDECHAI BABAD,
RABBI MEILECH MENCZER, RABBI JACOB
HERSHKOWITZ, and RABBI CHAIM ROSENBERG,

7:20-cv-06158-KMK

X
Plaintiffs,
-against-

VILLAGE OF POMONA, NY and BOARD OF TRUSTEES OF
THE VILLAGE OF POMONA, NY,

Defendants.

X

DECLARATION OF MEILECH MENCZER

Meilech Menczer, declares as follows, pursuant to 28 U.S.C. § 1746:

1. I am a citizen of the United States and of New York.
2. I reside in Monsey, New York.
3. I am a Jew.
4. I am part of the Hassidic and Orthodox Jewish communities.
5. I speak Yiddish.
6. Jewish law (or "Halakhah") is a religiously based system, and the religious beliefs of its adherents require them to obey its tenets.
7. I believe that the body of Jewish law (known as Biblical law) was communicated in non-written form from G-d to the Jewish people through Moses. This communication had two parts. One part was intended to be, and was, committed to writing. This part is known as the "Written Torah" or the "Five Books of Moses."
8. I also believe that the second part of the communication from G-d was intended not to be

written, but, instead, to be taught orally directly from teacher to student. This portion is known as the "Oral Torah." Together, the Written Torah and Oral Torah make up the Torah.

9. I believe that the Torah embodies the word and will of God and that it is authoritative. Therefore, I am religiously and morally obligated to follow its rules.
10. As a Hasidic Jewish man, I am religiously obligated to marry at a young age and have a large family. The religious basis for having a large family is rooted in Genesis: G-d told Adam and Eve, representing all humankind to "be fruitful and multiply." Genesis 1:28; and again after the flood that consumed almost all of humankind, G-d repeated this command to Noah and his sons on the Ark, Genesis 9: 1, 7, and to Jacob when he entered the land of Israel, G-d said to him: "I am the Almighty G-d; be fruitful and multiply." Genesis 35:11.
11. Jewish law imposes conjugal duties upon me and my wife while forbidding us to engage in family planning and forbidding us from using birth control.
12. I am married and have 10 children.
13. I work as a tutor for young students at Yeshiva Shaar Ephraim in Monsey, New York.
14. As a Hasidic Jewish male, I am biblically commanded to engage in rabbinic study, study of Torah.
15. Because the study of the Torah should be constant, I believe that any time I am unjustifiably detracted from Torah study, I commit the sin of *bitul* Torah (waste of the Torah).
16. I was educated in the institutions of Belz in Brooklyn, beginning with elementary school and continuing with high school there.

17. I studied Talmud for quite a few years and then studied some sections of the Shulchan Aruch, the Code of Jewish Law.
18. I have a religious belief that I should continue my studies of the Code of Jewish law to obey G-d's command to do so.
19. I have a religious belief that I should continue to do so in order to become a rabbinical judge; I have held this belief since my youth.
20. As a matter of religious faith, I believe that we Jews are prohibited from resolving disputes among Jews in civil courts, so there is a need for rabbinical judges, which we call *dayanim*.
21. Jewish religious sources explain that by serving as a judge and resolving disputes between people according to the true intent of the law, I will be a partner with G-d.
22. By settling disputes between people, I believe that dayanim enable the world to continue to exist, because without courts and due process of law, anarchy would ensue.
23. These religious resources also teach us that, by sitting in judgment as a rabbinical judge, I will bask in the presence of G-d" because the Holy One, blessed be He, leaves the highermost heavens and causes His Shekhinah (Divine Presence) to rest at the judge's side.
24. As a matter of religious faith, I believe that only qualified Jewish religious judges should hear and decide disputes between and among Jews.
25. I believe that disobeying this religious commandment is very serious because, I believe, that by going to the civil courts, a Jew ignores the holy laws and legal system that G-d made just for the Jewish people and instead chose the laws and rules made by man.
26. Orthodox/Hasidic Jews also look for help on a daily basis from the dayanim on the many

religious issues that come up because our religious laws direct every part of our lives.

27. To become a rabbinical judge, I must study Shulchan Aruch.
28. Shulchan Aruch is the Code of Jewish Law.
29. I have studied portions of Shulchan Aruch but to fulfill my religious duties I must complete these studies.
30. I first learned about the planned Congregation Rabbinical College Tartikov from Michael Tauber.
31. At the time, I was studying every night with him, and he told me that he and Chaim Babad had an aspiration to build a rabbinical college with a Torah community for the future generation. They wanted to build it in Pomona.
32. I told Michael Tauber that the plan he described was exactly what I have been looking for and that I wish I could join such a kind of study program.
33. I understand the planned Congregation Rabbinical College Tartikov will have a schedule to finish all the four parts of the Shulchan Aruch.
34. I understand the College has that plan so the students that study over there should be able to become rabbinical judges.
35. I intend to attend the Congregation Rabbinical College Tartikov if and when it is opened.
36. I understand that Congregation Rabbinical College Tartikov will require students to have completed a high school program in Shul, and will use interviews to select students.
37. Together with Jacob Hershkowitz, Chaim Rosenberg, and my brother, David, I prepared a document that collects a selection of the commands and teachings of our faith related to living in and studying in a Torah Community. A true and correct copy of that document is attached hereto as Exhibit 1.

38. I believe that I should study Torah in the *chevrusa* method, with a study partner.
39. Those commands and instructions include:
 - a. One who studies the Torah should reside in a community of Torah scholars and pious people.
 - b. To master the Torah, one must constantly be beside scholars.
 - c. One should reside in a Torah community since a person is influenced by society.
 - d. A Torah scholar should reside only where there is a Torah school, rabbinical court and a synagogue.
 - e. Jews must nominate and appoint judges and those judges must judge between Jews according to Jewish (Torah) law.
 - f. Rabbinical judges should have thorough knowledge of the Torah law.
 - g. When training to serve as a rabbinical judge, students must perform residencies with sitting rabbinical judges and receive a diploma to practice Jewish law.
 - h. Jews are prohibited from settling conflicts and disputes amongst themselves in any court system besides rabbinical (Torah) courts.
 - i. Studying Torah is the primary duty of Jews, above all other activity.
 - j. Young men must study Torah.
 - k. Torah must be studied most of the day and night.
 - l. To succeed in Torah study, one needs to, and must, exclude oneself from, and refrain from, all worldly and materialistic pleasures.
 - m. Jews are obliged to marry and have children.
 - n. Jews are obliged to live together with your family.
 - o. Jews are obliged to marry at a young age.

- p. Jews are obliged to study Torah while married as opposed to studying when single.
- 40. This Torah Community is designed to create a living and learning religious campus which includes total dedication to religious obligations of mastering the Code of Jewish Law to become a full-time rabbinical judge while at the same time meeting my religious obligations to my family and to worshipping G-d in the proper way.
- 41. The Torah Community also involves intensive learning interaction, day and night, with my fellow students, teachers and lecturers.
- 42. Learning in this way as part of the Torah Community will allow me to have the opportunity to gain knowledge from the teachers and students by interacting with my teachers and discussing the issues with my fellow students.
- 43. Because I will be a part of the Torah Community, I will be able to have access to my teachers and fellow students day and night, in the study halls, courtrooms, shuls, or in the living quarters, and this will allow for constant communication and learning opportunities.
- 44. One part of Tartikov's planned Torah Community is the provision of housing-by Congregation Rabbinical College of Tartikov.
- 45. This part of the Torah Community will allow me to meet my religious obligations to my family by living together with them as a family, teaching my children the Torah, while at the same time meeting my religious obligations to learn and worship.
- 46. The Torah Community also involves students living close to each other, allowing the religious learning process to continue even when we are not studying or eating meals together.

47. My religious beliefs motivate me to become part of this Torah Community's living, learning, and worshipping environment as proposed by the Congregation Rabbinical College of Tartikov.
48. In a Torah Community, we are all of one mind, thinking always of the Torah, discussing the Torah, asking and answering questions about the Torah.
49. According to our sages and teachers, to achieve greatness in Torah, I believe that I must commit day and night to Torah study.
50. I cannot become a rabbinical judge, if I am not committed to Torah study day and night.
51. If I want to achieve greatness in Torah, I have to do certain things:
 - a. I have to dedicate myself to a certain kind of study program, study day and night.
 - b. I have to surround myself with Torah students.
 - c. I have to exclude myself from all worldly pleasures, all distractions.
 - d. I have to be surrounded by like-minded people.
52. I do not believe that I can study to be a rabbinical judge in a synagogue, without the environment, curriculum, guidance and testing that will be available at Tartikov's rabbinical college.
53. Also, the term rabbinical judge is sometimes used to mean a person who studies only certain sections of the Shulchan Aruch. While some of those rabbinical judges might be able to study in a synagogue, it is my belief to become a rabbinical judge trained in all of the sections of the Shulchan Aruch and I cannot learn that in a synagogue.
54. No rabbinical colleges or institutions in the metropolitan New York area offer the same

course of study that Congregation Rabbinical College Tartikov will offer.

55. Some kollels near New York City, Brooklyn Tartikov, Brooklyn Belz, and Mechon L'hoyroa have offered programs to complete some divisions of the Shulchan Aruch but none of them ever offered a complete program on all four sections of the Shulchan Aruch that is proposed by Tartikov.
56. Currently, I understand that these three kollels no longer offer any program to complete any divisions of the Shulchan Aruch. Therefore, I could not pursue studies to become a rabbinical judge at any of them.
57. I know a group of others, like-minded to study Shulchan Aruch and to become rabbinical judges. That group includes my brother, David Menczer, and also Chaim Rosenberg and Jacob Hershkowitz.
58. I currently study at Kollel Belz in Monsey.
59. At Kollel Belz, I sit and read without the benefit of having a knowledgeable person answer my questions or instruct me.
60. Kollel Belz has a limited library that does not have all of the religious books needed to become qualified in the entire four categories of Jewish Law so I can become a fulltime rabbinical judge.
61. Kollel Belz does not provide on-campus housing.
62. I understand that Congregation Rabbinical College Tartikov is planned as a special kollel because it will offer a guided curriculum.
63. At typical kollels, you just study with informal groups of study, but no guided curriculum or vision to finish and become rabbinical judges.
64. At Congregation Rabbinical College Tartikov, we will be studying with a curriculum to

finish and to become ordained rabbinical judges.

65. In order to have this kind of college, there has to be a study program that passes the whole day; that means the mornings and the afternoons and the nights and seven days a week, because it's a huge amount of studying,

66. We need to have a synagogue where we can pray. You pray together and you live together so that everybody is on campus and they can apply themselves to the study all day and all week.

67. For such a kind of study as planned for this rabbinical college, it would require me to live on campus in a Torah community.

68. To my knowledge, there is no existing, formal opportunity to study the complete Shulchan Aruch anywhere in the United States and certainly not in or around the Town of Ramapo, New York, that would allow me to observe all my religious duties while completing my studies.

69. It says in our scriptures, if you want to succeed to become learned in Torah; you must exile yourself to a community that is committed to Torah study.

70. I believe that I should live in a community that is committed to Torah study in order to be able to achieve the total commitment to study all day and night and seven days a week according to our religious beliefs.

71. For this total commitment, we must live together in community,

72. Our religion also teaches that a person usually is inclined to pursue the same kind of pleasure that his neighbors and surroundings are pursuing.

73. So, if I want to study the Torah, I have to commit all day and night for this study and I can't go after other worldly pleasures. I have to be surrounded by people that are

excluding themselves from worldly pleasures so I shouldn't be inclined and enticed to all those pleasures that other people are seeking. In this way I can achieve greatness in Torah.

- 74. I understand that when the Congregation Rabbinical College Tartikov is built, Rabbi Mordechai Babad will be the Dean.
- 75. In addition to me, others who I know who are committed to attending the college include Jacob Herschkowitz, Rabbi Marguilis, and Chaim Rosenberg
- 76. There are four different sections of the Shulchan Aruch, the Code of Jewish Law:
 - a. The Orach Chaim are the laws about daily life, from arising in the morning to retiring to bed: the order of prayers and blessings; laws regarding meals, laws about worshipping in the synagogue; what to do on the Sabbath and holidays;
 - b. The Yoreh De 'ah are laws about dietary issues ("Kosher"); laws of mourning, laws of family purity, laws about Israel, laws of religious conversion to Judaism; when interest is permitted;
 - c. The Even Ha'ezer are laws of marriage and divorce;
 - d. The Chosen Mishpat are laws of finance, civil wrongs; legal procedure and loans in Judaism.
- 77. Most rabbis who have semicha only have semicha on the first two sections, about every day religious matters and kosher food.
- 78. Section three and section four that deal with the monetary issues, are much more complicated to learn. It requires a lot of time and it's a hard study program to finish it. Most people don't finish all the four.
- 79. Most rabbis just get ordained Yoreh Yoreh; Yoreh Yoreh ordination means they could

rule on issues like holiday and kosher foods and those kinds of issues between man and G-d.

80. When you have learned all four parts of Shulchan Aruch, your semicha is Yadin Yadin, meaning that you could also rule on the issues in all four parts of the Shulchan Aruch.
81. I understand that Congregation Rabbinical College Tartikov will offer the Yadin Yadin semicha, which will be a semicha covering all the four sections of the Shulchan Aruch.
82. Michael Tauber explained this vision for the College to me.
83. Later, I learned more details related to the planned college from Rabbi Mordechai Babad.
84. I understood that the program would be to study all of the sections of the Shulchan Aruch. I was later asked to put into writing a general plan for our study program of the Shulchan Aruch. I showed it to Mordechai Babad. A true and correct copy of that general plan is attached as Exhibit 2.
85. That general plan shows the areas that will be covered in studying Shulchan Aruch, and allows about 13 years for its study.
86. There is also the part of our training that is sitting with rabbinical judges in the courtrooms on campus and observing how they handle the various disputes and cases that come to them. That training is called Shimush Talmidei Chachamim. That means we must observe judges doing cases, actual cases.
87. Taken together, the study and the observation, this program will take approximately between 13 and 17 years of study to complete the Shulchan Aruch.
88. According to the teaching of our religion, I believe that we are commanded to use a mikvah, or ritual bath.
89. Congregation Rabbinical College of Tartikov provides me with a stipend to assist me in

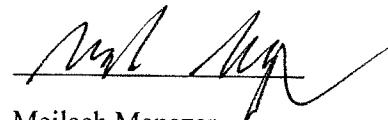
fulfilling my commitment to devote myself completely to the study of the Torah and Shulchan Aruch.

90. Congregation Rabbinical College of Tartikov has also committed to provide housing to me and my family during the extended period of study that will be required to learn the Shulchan Aruch.
91. Despite the delay in being able to begin studies in earnest on the planned campus of the Congregation Rabbinical College of Tartikov, I have remained steadfast in my studies and preparation for the day when the college is open.
92. I cannot afford to rent or purchase a single family home in the Village of Pomona.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: October 15, 2020

Nanuet, NY



The image shows a handwritten signature in black ink, appearing to read "Meilech Menczer". The signature is fluid and cursive, with a prominent 'M' at the beginning.

Meilech Menczer